

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F041800      Pascua Yaqui Tribe v. The Superior Court of Kern County;Kern County  
Department of Human Services**

The above-entitled case is submitted for decision.

**F041800      Pascua Yaqui Tribe v. The Superior Court Of Kern County;Kern County  
Department of Human Services**

The petition for extraordinary writ is granted. The matter is remanded to respondent court with directions to vacate its orders terminating reunification services and setting a section 366.26 hearing. Etc.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040837      People v. Wain**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F040837      People v. Wain**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038759      In re the Marriage of Kirschenmann  
F039215**

The order of August 14, 2001, is affirmed. Respondent is awarded costs on appeal and attorney fees on appeal pursuant to the judgment in an amount to be determined by the trial court on remand. Vartabedian, J.

We concur: Ardaiz, P.J. ; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

**F038590 Williams v. Rizvi et al.**

The judgment is affirmed. Wiseman, J.

We concur: Dibiaso, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F041961 Cynthia A., v. Fresno Co. Dept. Children & Family Services**

Pursuant to the terms of this court's order of January 15, 2003, and the failure of any party to request oral argument, the oral argument date of February 6, 2003, is vacated.

This matter is deemed submitted on the date of this order.

**F040755 Xiong et al v. Rithaporn**  
**F041481**

Pursuant to stipulation of the parties and good cause appearing, the above-entitled cases are consolidated for briefing and for determination of all issues raised therein.

**F037358 People v. Vera**

The judgment is affirmed. Buckley, J.

We concur: Ardaiz, P.J. ; Vartabedian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039026 People v. Rey**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F042067 Rubio et al. v Malispina et al.**

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8(a)(1), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F039525 People v. Fonseca**

Filed modification of opinion (no change in judgment). Cornell, J.

We concur: Vartabedian, Acting P.J.; Levy, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F038263      People v. Ramirez**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

**F038263      People v. Ramirez**

The judgment is modified to award appellant presentence custody credit of 439 days. The trial court is directed to prepare an amended abstract of judgment so indicating and to forward a certified copy to the Department of Corrections. As so modified, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038443      People v. Atencio**

The trial court is directed to stay appellant's sentence on count three pursuant to Penal Code section 654, prepare an amended abstract of judgment and forward it to the appropriate authorities. As modified, the judgment is affirmed. Levy, J.

We concur: Harris, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]